

ASSEMBLY BILL

No. 1739

Introduced by Committee on Health (Frommer (Chair), Pacheco (Vice Chair), Bates, Chan, Chavez, Chu, Cohn, Goldberg, Koretz, Nakanishi, Nakano, Negrete McLeod, Nunez, Ridley-Thomas, Wolk, and Yee)

March 11, 2003

An act to amend Sections 1300, 1971, 2154.2, 2201, and 3516.1 of, and to repeal and add Article 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of, the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections 120910, 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, and to add Section 128207 to, the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as introduced, Committee on Health. Health care.

(1) Existing law creates the California Health Manpower Policy Commission which designates the geographical rural areas within California where unmet priority need for medical services exist.

This bill would change the name of this commission to the California Healthcare Workforce Policy Commission.

(2) Existing law requires the State Department of Health Services to assess and collect data from HIV early intervention projects each year and to report its findings to the Legislature annually.

The bill would remove the requirement that the department report its findings to the Legislature.

(3) Existing law establishes the Hemodialysis Technician Training Act, administered by the State Department of Health Services, which

provides for the regulation and training of hemodialysis technicians. Existing law prohibits a person from providing hemodialysis technician services without meeting certain requirements, including certification by the department as being a graduate of a local training and testing program operated by an accredited college or university. Existing law requires hemodialysis training and testing program to be approved by the State Department of Health Services

The bill would revise these provisions and, among other things, would establish minimum standards for operating a hemodialysis technician training program, require an enrollee of a training program to have a high school diploma or a general equivalency diploma, and limit the use of the term “certified hemodialysis technician.”

Existing law provides that a violation of the provisions relating to hemodialysis technicians is a crime.

The bill, by expanding these provisions, would create a new crime and would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section 1247) of
2 Chapter 3 of Division 2 of the Business and Professions Code is
3 repealed.

4 SEC. 2. Article 3.5 (commencing with Section 1247) is added
5 to Chapter 3 of Division 2 of the Business and Professions Code,
6 to read:

7
8 Article 3.5. Hemodialysis Training and Certification
9

10 1247. This article shall be known and may be cited as the
11 Hemodialysis Technician Training and Certification Act.

12 1247.2 For the purpose of this article, the following terms
13 have the following meaning:



1 (a) “Chronic dialysis Clinic or Unit” means a specialty clinic
2 or unit of a clinic or a general acute care hospital for the treatment
3 of patients with end-stage renal disease, that is licensed pursuant
4 to paragraph (2) of subdivision (b) of Section 1204 of the Health
5 and Safety Code, or has a special permit for chronic dialysis unit
6 in a general acute care hospital licensed pursuant to subdivision (a)
7 of Section 1250 of the Health and Safety Code.

8 (b) “Clinical training” means that portion of the training
9 program that includes instruction and demonstration of patient
10 care skills relating to dialysis treatment by an instructor, and a
11 return demonstration of competence in these skills by the
12 hemodialysis technician trainee.

13 (c) “Competency examination” means an examination, as
14 required in Section 1247.49, conducted by a training agency at the
15 completion of a training program to validate a trainee’s knowledge
16 of dialysis treatment and to determine his or her clinical
17 competency.

18 (d) “Department” means the State Department of Health
19 Services.

20 (e) “Hemodialysis technician” means an unlicensed health
21 care provider who is certified under this article and is either of the
22 following:

23 (1) Employed by a chronic hemodialysis clinic or unit for the
24 purpose of participating in the direct treatment of patients
25 undergoing hemodialysis, as provided in Section 1247.3.

26 (2) Employed by a home dialysis agency for the purpose of
27 participating in direct treatment of patients undergoing
28 hemodialysis, as provided in Sections 1794.14 and 1794.15 of the
29 Health and Safety Code.

30 (f) “Immediate supervision” means that a supervisor must be
31 physically present in the same room while clinical skills are being
32 performed. The immediate supervision shall be provided by a
33 licensed physician and surgeon or licensed registered nurse.

34 (g) “Trainee” means a person in training as a hemodialysis
35 technician who is under immediate supervision.

36 (h) “Training agency” means either of the following:

37 (1) A chronic dialysis clinic or unit within a general acute care
38 hospital, as defined respectively in Sections 1204 and 1250 of the
39 Health and Safety Code.

(2) An accredited college, accredited university, regional occupational center, adult education center, or private school that provides a hemodialysis technician training and testing program. As used in this article, “accredited” has the same meaning as defined in Section 94712 of the Education Code.

(i) “Training director” means a registered nurse who is responsible for the development, management, and supervision of the training and competency testing program.

(j) “Training program” means a hemodialysis technician training program authorized by this article to prepare trainees for certification as hemodialysis technicians.

1247.3. (a) The treatment of patients by a hemodialysis technician includes performing venipuncture and arterial puncture for the purpose of providing dialysis treatment for a patient.

(b) The treatment of patients includes the administration of local anesthetics, heparin, and sodium chloride solutions. The administration of these medications shall be pursuant to protocol established by the medical director of the chronic dialysis clinic or unit, and shall be under the immediate supervision of a licensed physician and surgeon or a licensed registered nurse.

(c) The administration of local anesthetics shall be limited to intradermal, subcutaneous, or topical administration.

(d) Hemodialysis technicians employed by a home dialysis agency and providing services in accordance with Sections 1794.14 and 1794.15 of the Health and Safety Code are exempt from the requirement of immediate supervision, as defined in Section 1247.2.

1247.4. (a) The department shall adopt regulations prescribing standards for training and testing programs, certification of hemodialysis technicians, and minimum standards for the approval for operating a training program.

(b) The regulations adopted by the department shall prescribe minimum standards for staffing with qualified licensed personnel, and shall include training and testing in the administration of local anesthetics, heparin, and chloride solutions.

(c) The regulations shall permit program flexibility by allowing a training program to use alternative concepts, methods, procedures, techniques, equipment, or personnel qualifications as long as the statutory requirements are met and the training program obtains prior written approval from the department. The

1 department's approval shall set forth the terms and conditions for
2 the alternative use. A training program shall submit program
3 flexibility request on a standardized form provided by the
4 department with supporting documentation.

5 1247.41. An enrollee for a hemodialysis technician training
6 and testing program shall have a high school diploma or a general
7 equivalency diploma.

8 1247.43. (a) A training program may not operate without the
9 department's approval. A training program shall be operated by a
10 training agency, as defined in subdivision (h) of Section 1247.2,
11 and shall meet the requirements of, and the regulations adopted
12 pursuant to, this article.

13 (b) Nothing in this article shall be construed to require a chronic
14 dialysis clinic or unit of a general acute care hospital to operate a
15 training program.

16 1247.45. (a) An applicant for approval as a training program
17 shall submit the following to the department:

18 (1) A completed written application on a form provided by the
19 department.

20 (2) A copy of the program curriculum which details the course
21 content and number of hours assigned to classroom and clinical
22 training sessions.

23 (3) Disclosure of ownership information.

24 (4) Disclosure of the identity and qualifications of the training
25 director, instructors, and preceptors.

26 (5) Any other information required by the department for the
27 proper administration and enforcement of this article.

28 (b) (1) Training agencies operated by private schools and
29 public educational institutions shall contract with a chronic
30 dialysis clinic or unit to provide a clinical setting to conduct the
31 clinical training portion of their program.

32 (2) The responsibilities, functions, objectives, and terms of
33 agreement shall be delineated in a written contract signed by
34 authorized representatives of all parties. The training agencies
35 shall submit a copy of the contract to the department with the
36 application.

37 (c) If the department determines that the applicant fails to
38 comply with the requirements for approval, the department shall
39 give a written notice to the applicant by certified mail of the

1 reasons for the determination and of the applicant's right to appeal
2 the determination.

3 1247.46. The department shall issue a provider identification
4 number to all training agencies that operate an approved training
5 program or continuing education program. A provider number is
6 not transferable. The training agency shall use the identification
7 number when corresponding with the department.

8 1247.47. A training program curriculum shall include at least
9 the following:

10 (a) One hundred eighty hours of classroom instruction,
11 conducted in a chronic dialysis clinic or unit, accredited college,
12 accredited university, regional occupational center, adult
13 education center, or private school, on all of the following:

- 14 (1) The principles of dialysis treatment.
- 15 (2) Body systems review.
- 16 (3) Treatment modalities.
- 17 (4) Renal diet and blood chemistries.
- 18 (5) Infectious diseases.
- 19 (6) Dialysis systems and equipment.
- 20 (7) Routine dialysis care.
- 21 (8) Hemodialysis vascular access.
- 22 (9) Medical problems common during dialysis.
- 23 (10) Complications of renal failure.

24 (b) Three hundred hours of supervised clinical training. The
25 clinical training shall include clinical instruction without patients
26 present and clinical training with patients present. To ensure
27 patient safety and quality of care during clinical training, a trainee
28 must demonstrate that he or she has sufficient knowledge to
29 perform a clinical skill competently prior to being assigned to
30 perform the clinical skill.

31 1247.49. (a) A training program shall conduct testing at the
32 completion of the training program curriculum required under
33 Section 1247.47 and regulations adopted pursuant to this article.
34 Testing shall include:

- 35 (1) Written examination to validate knowledge of dialysis
36 treatment and subjects covered in classroom curriculum.
- 37 (2) Completion of clinical skills checklist to determine clinical
38 competency.

39 (b) The training director shall notify the department in writing
40 of the trainees who have successfully completed the testing

1 program, within seven business days following the completion of
2 the testing program.

3 1247.51. (a) An officer, employee, or agent of the
4 department may, upon presentation of proper identification, enter
5 and inspect a program site's premises or records at any reasonable
6 time to secure compliance with the provisions of this article or to
7 conduct, a complaint investigation.

8 (b) A person who attempts to interfere with the work of an
9 authorized department representative shall be guilty of a
10 misdemeanor.

11 1247.52. (a) The department shall prepare and maintain a list
12 of approved training programs for hemodialysis technician
13 certification. The training program list shall include whether a
14 training agency is currently training hemodialysis technicians and
15 the number of hemodialysis technicians that have successfully
16 completed the program.

17 (b) The department shall inspect a representative sample of
18 training programs. If the department determines that a training
19 program does not comply with program requirements, the
20 department shall give written notice of the violation to the training
21 program. If the training program is not in compliance within a
22 reasonable specified time, the department may give written notice
23 of intent to revoke the training program's approval. A training
24 program may request reinstatement of program approval at any
25 time.

26 (c) A training program shall retain training records for six years
27 from the date the program was approved. The records shall be
28 available to the department for inspection upon request. A training
29 program shall retain individual course training records that include
30 the date and time of the training, course title, and name of the
31 instructor. The training records of trainees who have completed the
32 program shall be available to the department for inspection for six
33 years from the date the trainee completed the program. The
34 training program shall retain training records of trainees who
35 failed to complete the program for two years.

36 1247.54. (a) The department may deny, suspend, or revoke
37 the approval of a training program for any of the following
38 reasons:

39 (1) The training program violates a provision of this chapter or
40 a rule or regulation promulgated under this chapter.

1 (2) The training program aids or permits a violation of a
2 provision of this chapter, or a rule or regulation promulgated under
3 this chapter.

4 (3) A training program engages in conduct inimical to the
5 public health, morals, welfare, or safety of the people of
6 California.

7 (b) A proceeding to deny, suspend, or revoke program approval
8 under this article shall be conducted in accordance with Section
9 100171 of the Health and Safety Code.

10 (c) A training program that is dissatisfied with the department's
11 decisions to deny program approval may file a written appeal
12 request with the department within 20 business days of receipt of
13 written notice of denial.

14 1247.58. (a) A chronic dialysis unit or clinic that does not
15 provide a training program shall have the following information
16 available for inspection by the department:

17 (1) The local training program with which it contracts, or proof
18 that the hemodialysis technicians employed meet the requirements
19 of Section 1247.6.

20 (2) The names of the hemodialysis technicians and
21 hemodialysis technician trainees employed in the unit or clinic.

22 1247.59. (a) The training program shall notify the
23 department in writing within 10 days of any change in the
24 following:

25 (1) Officers, general partners, or other principals,
26 administrators, or managers. The notice shall include the person's
27 name and principal business address.

28 (2) Stockholders owning 5 percent or more of a corporation.
29 The notice shall include the name and principal mailing address of
30 the new stockholder.

31 (3) Training director. The notice shall include the name and
32 qualifications of the new training director.

33 (b) The training program shall notify the department in writing
34 30 days prior to changing an approved training program
35 curriculum.

36 1247.60. (a) Except during training under immediate
37 supervision, a person may not provide services as a hemodialysis
38 technician without being certified by the department.

39 (b) The department may certify a person based on any of the
40 following:

1 (1) The person is certified by the Board of Nephrology
2 Examination for Nurses and Technicians (BONENT).

3 (2) The person has completed a department-approved training
4 program in a hemodialysis clinic or unit.

5 (3) The person is a graduate of a training and testing program
6 that complies with this article and the regulations adopted under
7 this article.

8 (b) This article does not apply to a person who meets all of the
9 following requirements:

10 (1) He or she is a home dialysis patient or a patient helper.

11 (2) The person not employed by a licensed facility.

12 (3) The person has undergone a home dialysis training program
13 operated by a licensed clinic or hospital, as defined in Sections
14 1204 and 1250 of the Health and Safety Code.

15 (4) The person is certified by the medical director of the facility
16 as being competent to perform home dialysis treatment.

17 1247.61. (a) A person certified as a hemodialysis technician
18 under this article may be known as a certified hemodialysis
19 technician and may place the letters CHT after his or her name
20 when working in a chronic dialysis clinic or unit.

21 (b) It is unlawful for a person not certified under this article to
22 hold himself or herself out to be a certified hemodialysis
23 technician. A person that makes a false representation as being a
24 certified hemodialysis technician is guilty of a misdemeanor.

25 1247.64. (a) A certificate issued under this article shall
26 expire on the certificate holder's birthday. The first expiration
27 shall be on the certificate holder's birthday not more than four
28 years or less than three years from the initial certification and every
29 four years thereafter.

30 (b) To renew an unexpired certificate, the certificate holder
31 shall do all of the following on or before the certificate expiration
32 date:

33 (1) Apply for renewal on a form provided by the department.

34 (2) Pay the renewal fee prescribed by this article.

35 (3) Submit documentation of completion of the required
36 continuing education training.

37 (c) The department shall give written notice of a certificate
38 holder 90 days in advance of the renewal date that includes
39 information about the provisions of this section. Failure to receive
40 the renewal notice does not relieve the certificate holder of the

1 obligation to make a timely renewal. Failure to make a timely
2 renewal shall result in expiration of the certificate.

3 (d) An expired certificate may be renewed at any time within
4 two years after its expiration by filing an application for renewal
5 on a form prescribed by the department, payment of the renewal
6 fee in effect on the date the application is filed, and submission of
7 documentation of the required continuing education training.

8 (e) Except as provided in subdivision (h), a certified
9 hemodialysis technician who applies for renewal more than two
10 years after the expiration date, shall complete an approved training
11 program. The training program will assess the hemodialysis
12 technician's knowledge and understanding of dialysis treatment,
13 and his or her need for classroom and clinical training.

14 (b) The training requirements will be modified to meet the
15 individual hemodialysis technician's needs. At the conclusion of
16 the program and prior to applying for certification renewal, the
17 hemodialysis technician must pass a written examination and
18 demonstrate competency of required skills as required by Section
19 1247.49.

20 (f) A suspended certificate is subject to expiration and shall be
21 renewed as provided in this article, but this renewal does not entitle
22 the certificate holder, while the certificate remains suspended, and,
23 until it is reinstated, to engage in the certified activity, or in any
24 other activity or conduct in violation of the order or judgment by
25 which the certificate was suspended. The certificate holder must
26 submit a renewal application, fee, and documentation of
27 continuing education training as required by this article.

28 (g) To renew a certificate that has been expired for more than
29 four years, a certificate holder who takes and achieves a passing
30 grade on a competency test required by Section 1247.49, without
31 requiring additional training, may petition the department for
32 certificate renewal. The certificate holder must submit the
33 following documents to the department:

34 (1) Documentation verifying a passing grade on the
35 competency test.

36 (2) Payment of the application fee provided by this article.

37 (3) Documentation of required continuing education training
38 1247.65. (a) A fee of fifty dollars (\$50) shall be submitted
39 with a hemodialysis technician's initial and renewal certification
40 applications.

1 (b) Payment by mail for the required fee shall be by personal
2 check, cashier's check, certified check, or money order.

3 1247.66. (a) The department may deny, suspend, or revoke a
4 hemodialysis technician's certification if it finds that the
5 hemodialysis technician is not in compliance with this article or a
6 regulation adopted pursuant to this article.

7 (b) The department may deny, suspend, or revoke the
8 certification of a hemodialysis technician for any of the following
9 causes:

10 (1) Unprofessional conduct, which includes incompetence or
11 gross negligence in carrying out his or her usual functions.

12 (2) Procuring a certificate by fraud, , or mistake.

13 (3) Making a false statement or information in conjunction
14 with the application for issuance or renewal of a certificate.

15 (4) Conviction of a crime substantially related to the
16 qualifications, functions, and duties of a hemodialysis technician
17 in which event the record of the conviction shall be conclusive
18 evidence thereof.

19 (c) In addition to other acts constituting unprofessional conduct
20 within the meaning of this article, all of the following constitute
21 unprofessional conduct:

22 (1) Conviction for, or use of, a controlled substance, as defined
23 in Division 10 (commencing with Section 11000) of the Health
24 and Safety Code, or a dangerous drug, as defined in Article 7
25 (commencing with Section 4211) of Chapter 9, or alcoholic
26 beverages, in a manner that is dangerous to the hemodialysis
27 technician or another person so that his or her use impairs his or
28 her ability to safely conduct the practice of a hemodialysis
29 technician.

30 (2) Abuse, whether verbal, physical, or mental, of a patient in
31 any setting where health care is being rendered, or
32 misappropriation of property of patients or others.

33 (3) Violating or attempting to violate directly or assisting in or
34 abetting the violating of, or conspiring to violate any provision or
35 term of, this article.

36 (d) In determining whether or not to deny the application for
37 certification or to suspend or revoke certification pursuant to
38 subdivision (c) or paragraph (4) of subdivision (b), the department
39 shall take into consideration the following factors as evidence of
40 good character and rehabilitation:

1 (1) The nature and seriousness of the conduct or crime under
2 consideration and its relationship to employment duties and
3 responsibilities.

4 (2) Activities since conviction, including employment or
5 participation in therapy or education, that would indicate changed
6 behavior.

7 (3) The time that has elapsed since the commission of the
8 conduct or offense referred to in paragraph (1) or (2) and the
9 number of offenses.

10 (4) The extent to which the person has complied with any terms
11 of parole, probation, restitution, or any other sanction lawfully
12 imposed against the person.

13 (5) Any rehabilitation evidence, including character
14 references, submitted regarding the person.

15 (6) Employment history and current employer
16 recommendations.

17 (7) Circumstances surrounding the commission of the offense
18 that would demonstrate the unlikelihood of repetition.

19 (8) The Governor grants a full and unconditional pardon.

20 (9) A certificate of rehabilitation from a superior court.

21 (e) When the department determines to suspend a certification,
22 the department shall specify the period of suspension. The
23 department may determine that the suspension shall be stayed,
24 placing the certificate holder on probation with specified
25 conditions for a period not to exceed two years. When the
26 department determines that probation is the appropriate action, the
27 certificate holder shall be notified that the probation is in lieu of
28 the department proceeding with a formal action to suspend the
29 certification and in lieu of an appeal pursuant to subdivision (h).

30 (f) (1) The certificate holder may request to enter into a
31 diversion program agreement. A diversion program agreement
32 shall specify terms and conditions, including, but not limited to,
33 work performance, rehabilitation, training counseling, progress
34 reports and treatment programs.

35 (2) If a certificate holder successful completes a diversion
36 program, the department shall not take action upon the allegations
37 that were the basis for the diversion agreement.

38 (3) If the certificate holder fails to comply with the diversion
39 program agreement, the department may proceed with a formal
40 action to suspend or revoke the certification.

1 (g) A plea or verdict of guilty or a conviction following a plea
2 of nolo contendere shall be deemed a conviction within the
3 meaning of this article. The department may deny an application
4 for certification, or suspend or revoke a certification based on a
5 conviction when the judgment of conviction is entered or when an
6 order granting probation is made suspending the imposition of
7 sentence.

8 (h) Upon determination to deny an application for certification
9 or to revoke or suspend a certificate, the department shall notify
10 the applicant or certificate holder in writing by certified mail of all
11 of the following:

12 (1) The reasons for the determination.

13 (2) The applicant's or certification holder's right to appeal the
14 determination.

15 (i) (1) Upon written notification that the department has
16 determined that an application shall be denied or a certificate shall
17 be suspended or revoked, the applicant or certificate holder may
18 request an administrative hearing by submitting a written request
19 to the department within 20 business days of receipt of the written
20 notification. Upon receipt of a written request, the department
21 shall hold an administrative hearing pursuant to the procedures
22 specified in Section 100171, except where those procedures are
23 inconsistent with this section.

24 (2) (A) A hearing under this section shall be conducted by a
25 hearing officer or administrative law judge designated by the
26 director at a location, other than the applicant's or certificate
27 holder's work facility, that is convenient to the applicant or
28 certificate holder.

29 (B) The hearing shall be tape recorded and a written decision
30 shall be sent by certified mail to the applicant or certificate holder.
31 Except as specified in subdivision (i), the effective date of an
32 action to revoke or suspend a certificate shall be specified in the
33 written decision, or if no administrative hearing is timely
34 requested, the effective date shall be 21 business days from written
35 notification of the department's determination to revoke or
36 suspend.

37 (j) The department may revoke or suspend a certificate prior to
38 a hearing when immediate action is necessary in the director's
39 judgment to protect the public welfare. Notice of this action,
40 including a statement of the necessity of immediate action to

1 protect the public welfare, shall be sent in accordance with
2 subdivision (h).

3 (k) If the certificate holder requests an administrative hearing
4 pursuant to subdivision (i), the state department shall hold the
5 administrative hearing as soon as possible but not later than 30
6 calendar days from receipt of the request for a hearing. A written
7 hearing decision upholding or setting aside the action shall be sent
8 by certified mail to the certificate holder within 30 calendar days
9 of the hearing.

10 (l) A certificate holder's certificate shall be revoked by the
11 department if the department determines the certificate holder
12 practiced as a hemodialysis technician during the term of the
13 suspension.

14 (m) The department shall notify the applicant's or certificate
15 holder's employer in writing of the following:

16 (1) That the applicant's application was denied or that the
17 certificate holder's certificate was revoked.

18 (2) Whether the determination is final or whether a hearing is
19 pending.

20 1247.71. A hemodialysis technicians applying for certificate
21 of renewal shall submit proof that he or she has obtained 30 hours
22 of continuing education training in dialysis care or general health
23 care since the last certificate renewal.

24 1247.74. A hemodialysis technician shall obtain the
25 continuing education required by Section 1247.71 from one or
26 more of the following sources:

27 (a) Health-related courses offered by accredited postsecondary
28 institutions.

29 (b) Health-related courses offered by continuing education
30 providers approved by the California Board of Registered
31 Nursing.

32 (c) Health-related courses offered by recognized health
33 associations if the department determines the courses to be
34 acceptable.

35 (d) Health-related, employer-sponsored continuing education
36 programs.

37 1247.76. (a) A person who obtains a hemodialysis technician
38 certificate from an out-of-state or out-of-country training
39 organization and is not BONENT certified must be certified by the
40 department before he or she may work as a hemodialysis

1 technician in this state. The person may apply to the department
2 for equivalency consideration for certification.

3 (b) The applicant shall submit a copy of a certificate of training
4 and a copy of the program curriculum completed. The department
5 shall accept and review only original documents and transcripts
6 from the out-of-state or out-of-country training organization. If
7 the training program completed meets the training standards under
8 this article, the department shall issue a certificate to the applicant.

9 (c) If the department determines that the training program
10 completed does not meet the department's training standards, the
11 applicant will be informed of the additional training courses
12 required.

13 Following the completion of the required courses, the applicant
14 shall submit to the department documents from the training agency
15 verifying that he or she has successfully completed the required
16 courses and competency exam. The department shall issue the
17 individual a certificate upon full compliance with this article.

18 1247.78. The department shall investigate complaints
19 concerning misconduct by certified hemodialysis technicians and
20 may take disciplinary action pursuant to Section 1247.66.

21 1247.79. A person or entity may not provide chronic dialysis
22 services to patients in this state unless the services are provided
23 under any of the following:

24 (a) The direction of a chronic dialysis clinic, licensed pursuant
25 to Section 1204 of the Health and Safety Code.

26 (b) A home dialysis agency licensed pursuant to Chapter 11
27 (commencing with Section 1794.01) of Division 2 of the Health
28 and Safety Code.

29 (c) A general acute care hospital, licensed pursuant to Section
30 1250 of the Health and Safety Code.

31 SEC. 3. Section 1300 of the Business and Professions Code
32 is amended to read:

33 1300. The amount of application, registration, and license
34 fees under this chapter shall be as follows:

35 (a) The application fee for a histocompatibility laboratory
36 director's, clinical laboratory bioanalyst's, clinical chemist's,
37 clinical microbiologist's, clinical laboratory toxicologist's,
38 clinical cytogeneticist's, or clinical molecular biologist's license
39 is thirty-eight dollars (\$38). This fee shall be sixty-three dollars
40 (\$63) commencing on July 1, 1983.

(b) The annual renewal fee for a histocompatibility laboratory director's, clinical laboratory bioanalyst's, clinical chemist's, clinical microbiologist's, or clinical laboratory toxicologist's license is thirty-eight dollars (\$38). This fee shall be sixty-three dollars (\$63) commencing on July 1, 1983.

(c) The application fee for a clinical laboratory scientist's or limited clinical laboratory scientist's license is twenty-three dollars (\$23). This fee shall be thirty-eight dollars (\$38) commencing on July 1, 1983.

(d) The application and annual renewal fee for a cytotechnologist's license shall be fifty dollars (\$50) commencing on January 1, 1991.

(e) The annual renewal fee for a clinical laboratory scientist's or limited clinical laboratory scientist's license is fifteen dollars (\$15). This fee shall be twenty-five dollars (\$25) commencing on July 1, 1983.

(f) The application fee for a clinical laboratory license is six hundred dollars (\$600).

(g) The annual renewal fee for a clinical laboratory license is five hundred fifty-seven dollars (\$557).

(h) The application fee for a certificate of accreditation issued pursuant to Section 1223 is one hundred fifty dollars (\$150).

(i) The annual renewal fee for a certificate of accreditation issued pursuant to Section 1223 is one hundred dollars (\$100).

(j) In addition, clinical laboratories providing cytology services shall pay an annual fee that shall be set by the department in an amount needed to meet but not exceed the department's costs of proficiency testing and special site surveys for these laboratories, and that shall be based upon the volume of cytologic slides examined by a laboratory. If the amount collected is less than or exceeds the amount needed for these purposes, the amount of fees collected from those laboratories in the following year shall be adjusted accordingly.

(k) The application fee for a trainee's license is eight dollars (\$8). This fee shall be thirteen dollars (\$13) commencing on July 1, 1983.

(l) The annual renewal fee for a trainee's license is five dollars (\$5). This fee shall be eight dollars (\$8) commencing on July 1, 1983.

(m) The application fee for a duplicate license is three dollars (\$3). This fee shall be five dollars (\$5) commencing on July 1, 1983.

(n) The delinquency fee is equal to the annual renewal fee.

(o) The director may establish a fee for examinations required under this chapter. The fee shall not exceed the total cost to the department in conducting the examination.

~~(p) The certification and renewal fees for hemodialysis technicians certified under subdivision (a) of Section 1247.6 shall be fifty dollars (\$50).~~

~~(q)~~ The annual fee for a clinical laboratory subject to registration under paragraph (2) of subdivision (a) of Section 1265 and performing only those clinical laboratory tests or examinations considered waived under CLIA is fifty dollars (\$50). The annual fee for a clinical laboratory subject to registration under paragraph (2) of subdivision (a) of Section 1265 and performing only provider-performed microscopy, as defined under CLIA is seventy-five dollars (\$75). A clinical laboratory performing both waived and provider-performed microscopy shall pay an annual registration fee of seventy-five dollars (\$75).

~~(r)~~

(q) The costs of the department in conducting a complaint investigation, imposing sanctions, or conducting a hearing under this chapter shall be paid by the clinical laboratory. The fee shall be no greater than the fee the laboratory would pay under CLIA for the same type of activities and shall not be payable if the clinical laboratory would not be required to pay those fees under CLIA.

~~(s)~~

(r) The state, a district, city, county, city and county, or other political subdivision, or any public officer or body shall be subject to the payment of fees established pursuant to this chapter or regulations adopted thereunder.

~~(t)~~

(s) In addition to the payment of registration or licensure fees, a clinical laboratory located outside the State of California shall reimburse the department for travel and per diem to perform any necessary onsite inspections at the clinical laboratory in order to ensure compliance with this chapter.

~~(u)~~

1 (t) Whenever a clinical laboratory has paid registration or
2 compliance fees, or both, to HCFA under CLIA for the same
3 period of time for which a license is issued under Section 1265, the
4 fee required for the clinical laboratory license under subdivision
5 (f) or (g), and as adjusted pursuant to Section 100450 of the Health
6 and Safety Code, shall be reduced by the percentage of the total of
7 all CLIA registration and compliance fees paid to HCFA by all
8 California laboratories that are made available to the department
9 to carry out its functions as a CLIA agent in the federal fiscal year
10 immediately prior to when the license fee is due.

11 ~~(v)~~

12 (u) The department shall establish an application fee and a
13 renewal fee for a medical laboratory technician license, the total
14 fees collected not to exceed the costs of the department for the
15 implementation and operation of the program licensing and
16 regulating medical laboratory technicians pursuant to Section
17 1260.3.

18 SEC. 4. Section 1971 of the Business and Professions Code
19 is amended to read:

20 1971. For the purposes of this article, the following terms
21 have the following meanings:

22 (a) “Board” means the Dental Board of California.

23 (b) “Office” means the Office of Statewide Health Planning
24 and Development.

25 (c) “Program” means the California Dental Corps Loan
26 Repayment Program.

27 (d) “Dentally underserved area” means a geographic area
28 eligible to be designated as having a shortage of dental
29 professionals pursuant to Part I of Appendix B to Part 5 of Chapter
30 1 of Title 42 of the Code of Federal Regulations or an area of the
31 state where unmet priority needs for dentists exist as determined
32 by the ~~Health Manpower~~ *California Healthcare Workforce* Policy
33 Commission pursuant to Section 128224 of the Health and Safety
34 Code.

35 (e) “Dentally underserved population” means persons without
36 dental insurance and persons eligible for the Denti-Cal and
37 Healthy Families Programs who are population groups described
38 as having a shortage of dental care professionals in Part I of
39 Appendix B to Part 5 of Chapter 1 of Title 42 of the Code of Federal
40 Regulations.



(f) “Practice setting” means:

(1) A community clinic, as defined in subdivision (a) of Section 1204 and subdivision (c) of Section 1206 of the Health and Safety Code, a clinic owned or operated by a public hospital and health system, or a clinic owned and operated by a hospital that maintains the primary contract with a county government to fulfill the county’s role pursuant to Section 17000 of the Welfare and Institutions Code, which is located in a dentally underserved area and at least 50 percent of whose patients are from a dentally underserved population; or

(2) A dental practice or dental corporation, as defined in Section 1800 of this code, located in a dentally underserved area and at least 50 percent of whose patients are from a dentally underserved population.

(g) “Medi-Cal threshold languages” means primary languages spoken by limited-English proficient (LEP) population groups meeting a numeric threshold of 3,000, eligible LEP Medi-Cal beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP beneficiaries residing in a single ZIP Code, or 1,500 LEP Medi-Cal beneficiaries residing in two contiguous ZIP Codes.

(h) “Fund” means the Community Healthcare Service Expansion Fund.

(i) “Account” means the Dentally Underserved Account which is contained within the fund.

SEC. 5. Section 2154.2 of the Business and Professions Code is amended to read:

2154.2. For the purposes of this article, the following terms have the following meanings:

(a) “Division” means the Division of Licensing.

(b) “Office” means the Office of Statewide Health Planning and Development (OSHPD).

(c) “Program” means the California Physician Corps Loan Repayment Program.

(d) “Medically underserved area” means an area as defined in Part 5 of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the ~~Health Manpower~~ *California Healthcare Workforce* Policy Commission pursuant to Section 128225 of the Health and Safety Code.

(e) “Medically underserved population” means the Medi-Cal, Healthy Families, and uninsured populations.

(f) “Practice setting” means:

(1) A community clinic as defined in subdivision (a) of Section 1204 and subdivision (c) of Section 1206 of the Health and Safety Code, a clinic owned or operated by a public hospital and health system, or a clinic owned and operated by a hospital that maintains the primary contract with a county government to fulfill the county’s role pursuant to Section 17000 of the Welfare and Institutions Code, which is located in a medically underserved area and at least 50 percent of whose patients are from a medically underserved population.

(2) A medical practice located in a medically underserved area and at least 50 percent of whose patients are from a medically underserved population.

(g) “Primary specialty” means family practice, internal medicine, pediatrics, or obstetrics/gynecology.

(h) “Medi-Cal threshold languages” means primary languages spoken by limited-English proficient (LEP) population groups meeting a numeric threshold of 3,000, eligible LEP Medi-Cal beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP beneficiaries residing in a single ZIP Code, or 1,500 LEP Medi-Cal beneficiaries residing in two contiguous ZIP Codes.

(i) “Fund” means the Community Healthcare Services Expansion Fund.

(j) “Account” means the Medically Underserved Account which is contained within the fund.

SEC. 6. Section 2201 of the Business and Professions Code is amended to read:

2201. For the purposes of this article:

(a) “Commission” means the California ~~Health Manpower~~ *Healthcare Workforce* Policy Commission.

(b) “Division” means the Division of Licensing of the Medical Board of California.

(c) “Practice of medicine” or “medical practice” means all activities authorized by a physician’s and surgeon’s certificate, except activities performed in the course of employment as a public health officer, as a medical school faculty member where teaching time is more than 25 percent of the working day, or as a resident or first-year postgraduate trainee.

(d) “Primary care services” means those medical services involving the specialties of general practice, family practice, general internal medicine, obstetrics, gynecology, and general pediatrics.

SEC. 7. Section 3516.1 of the Business and Professions Code is amended to read:

3516.1. (a) (1) Notwithstanding any other provision of law, a physician who provides services in a medically underserved area may supervise not more than four physician assistants at any one time.

(2) As used in this section, “medically underserved area” means a “health professional(s) shortage area” (HPSA) as defined in Part 5 (commencing with Section 5.1) of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the California ~~Health Manpower~~ *Healthcare Workforce* Policy Commission pursuant to Section 128225 of the Health and Safety Code.

(b) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute that is enacted before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 92725 of the Education Code is amended to read:

92725. (a) The program shall be considered successful if, after implementation of the program, all of the following occur:

(1) There is a 10 percent or greater increase in the rate of program graduates who choose to practice primary care over the average number of program graduates who chose to practice primary care during the previous five years.

(2) There is a decrease in the use of emergency room facilities for nonemergency procedures by persons served by the program from the use of emergency room facilities for nonemergency procedures during the previous five years.

(3) Families served by the program have received expanded health services without an increase in per capita health costs.

(b) Based on the evaluation of the program by the university pursuant to Section 92724, the Office of Statewide Health Planning and Development, in consultation with the ~~Health Manpower~~ *California Healthcare Workforce* Policy Commission,

1 shall recommend to the Legislature on or before January 1, 1998,
2 whether funding for the program should be expanded to include
3 other medical schools.

4 (c) If the recommendation is made to expand the program
5 pursuant to subdivision (b), it is the intent of the Legislature that
6 the program be expanded to allow private medical schools and
7 private schools of nursing to participate in the program in order to
8 permit substantially all students who are training to become
9 physicians and surgeons, nurse practitioners, or physician
10 assistants to receive a portion of their training in a
11 community-based education program.

12 SEC. 9. Section 120910 of the Health and Safety Code is
13 amended to read:

14 120910. (a) The department shall collect data from the early
15 intervention projects, *and shall* assess the effectiveness of the
16 different models of early intervention projects, ~~and report its~~
17 ~~findings to the Legislature on or before January 1, 1992, and on or~~
18 ~~before January 1 of each subsequent year~~ *based on the data*
19 *collected at least annually.*

20 (b) The department shall continuously collect data from each
21 early intervention project. The data collected may include, but not
22 be limited to, the following:

23 (1) The total number of clients served.

24 (2) The number of clients utilizing each service provided by the
25 project.

26 (3) Demographics on clients in the aggregate.

27 (4) The source of funding for each type of service provided.

28 (5) The cost of each type of service provided.

29 (6) Medical treatment modalities utilized in the aggregate.

30 (7) Changes in the clinical status of clients in the aggregate.

31 (8) Changes in behaviors that present risks of transmitting HIV
32 infection of the clients in the aggregate.

33 (9) The psychosocial changes of clients in the aggregate.

34 (10) Referrals made by the project.

35 (11) Perceived unmet needs of the clients served by the project.

36 (c) The department shall develop and distribute to each early
37 intervention project forms for data collection that are designed to
38 elicit information necessary for the department to comply with the
39 requirements of subdivision (b). The data may be used by the
40 department to comply with the requirements of subdivision (a).

1 SEC. 10. Section 124425 of the Health and Safety Code is
2 amended to read:

3 124425. (a) It is the intent of the Legislature that funds
4 authorized by the Primary Care Services Act (Section 27) be
5 provided to organizations and agencies that are located in
6 underserved areas or that are serving population groups identified
7 pursuant to subdivision (b).

8 (b) Every two years the director shall develop a list of
9 underserved rural and urban areas and underserved population
10 groups. The director shall take into consideration the list of urban
11 and rural areas designated as medically underserved by the
12 California ~~Health-Manpower~~ *Healthcare Workforce* Policy
13 Commission and by the office and federal medically underserved
14 areas and population groups designated by federal agencies.

15 (c) The director shall develop the list of underserved rural and
16 urban areas and underserved population groups, set forth in
17 subdivision (b), after consulting and receiving written
18 recommendations from the Primary Care Clinics Advisory
19 Committee and after consulting with appropriate groups and
20 individuals, including individuals representing underserved
21 populations and local government.

22 SEC. 11. Section 124760 of the Health and Safety Code is
23 amended to read:

24 124760. The ~~Health-Manpower~~ *California Healthcare*
25 *Workforce* Policy Commission shall establish a plan that integrates
26 family practice residencies and other health sciences education
27 programs established in rural areas pursuant to Article 8
28 (commencing with Section 31910) of Chapter 5 of Division 5 of
29 Division 22 of the Education Code with the health services
30 provided pursuant to Article 3 (commencing with Section
31 124700).

32 SEC. 12. Section 124765 of the Health and Safety Code is
33 amended to read:

34 124765. The ~~Health-Manpower~~ *California Healthcare*
35 *Workforce* Policy Commission, in coordination with the Rural
36 Health Section of the department, shall designate the geographical
37 rural areas within California where unmet priority need for
38 medical services exists.

39 SEC. 13. Section 127928 of the Health and Safety Code is
40 amended to read:

1 127928. For purposes of this part, the following terms have
2 the following meanings:

3 (a) “Program” means the California Medical and Dental
4 Student Loan Repayment Program of 2002.

5 (b) (1) “Medically underserved area” means an area as
6 defined in Part 5 of Chapter 1 of Title 42 of the Code of Federal
7 Regulations or an area of the state where unmet priority needs for
8 physicians exists as determined by the ~~Health-Manpower~~
9 *California Healthcare Workforce* Policy Commission pursuant to
10 Section 128225 of the Health and Safety Code.

11 (2) “Dentally underserved area” means a geographic area
12 eligible to be designated as having a shortage of dental
13 professionals pursuant to Part I of Appendix B to Part 5 of Chapter
14 1 of Title 42 of the Code of Federal Regulations or an area of the
15 state where unmet priority needs for dentists exist as determined
16 by the ~~Health-Manpower~~ *California Healthcare Workforce* Policy
17 Commission pursuant to Section 128224 of the Health and Safety
18 Code.

19 (c) (1) “Medically underserved population” means the
20 Medi-Cal, Healthy Families and uninsured population.

21 (2) “Dentally underserved population” means persons without
22 dental insurance and persons eligible for the Denti-Cal and
23 Healthy Families Programs who are population groups described
24 as having a shortage of dental care professionals in Part I of
25 Appendix B to Part 5 of Chapter 1 of Title 42 of the Code of Federal
26 Regulations.

27 (d) “Medi-Cal threshold languages” means primary languages
28 spoken by limited-English proficient (LEP) population groups
29 meeting a numeric threshold of 3,000 eligible LEP Medi-Cal
30 beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP
31 beneficiaries residing in a single ZIP Code, or 1,500 LEP
32 Medi-Cal beneficiaries residing in two contiguous ZIP Codes.

33 (e) “Office” means the Office of Statewide Health Planning
34 and Development.

35 SEC. 14. Section 127755 of the Health and Safety Code is
36 amended to read:

37 127755. The office shall consult with the ~~Health-Manpower~~
38 *California Healthcare Workforce* Policy Commission, health
39 systems agencies, and other appropriate organizations in the
40 preparation of this plan.

SEC. 15. Section 128040 of the Health and Safety Code is amended to read:

128040. (a) The Office of Statewide Health Planning and Development shall report to the Legislature on or before June 30, 2002, on the feasibility of establishing a California dental loan forgiveness program utilizing the same general guidelines applicable to the federal National Health Service Corps State Loan Repayment Program (42 U.S.C.A. Sec. 254q-1; 42 C.F.R., Part 62, Subpart C (commencing with Section 62.51)), except as follows:

(1) A dentist shall be eligible to participate in the loan forgiveness program if he or she provides full-time or half-time dental services in either of the following:

(A) A dental health professional shortage area (DHPSA), established pursuant to Section 254e(a) of Title 42 of the United States Code.

(B) An area of the state where unmet priority needs for dentists exist as determined by the ~~Health-Manpower~~ *California Healthcare Workforce* Policy Commission pursuant to Section 128225.

(2) Matching funds to repay a portion of the dentist's outstanding loan amount shall be required from the practice site areas or from other private nonprofit sources.

(3) A qualifying practice site shall include a private dental practice.

(b) (1) The report required under subdivision (a) shall include all of the following:

(A) A projection of the dentist-to-population ratio for California in the next decade.

(B) A determination of the future need for dentists and dental care in underserved communities. The office shall work collaboratively with organizations that represent providers of dental services to underserved communities in making this determination.

(C) A report on the utilization by dentists of tuition loan repayment programs at the federal and state level and identify the barriers to full utilization of these loan repayment programs.

(D) A report on the projected cost increase of dental school education at public and private postsecondary educational institutions.

1 (E) A report on the implications of administering an additional
2 program, including a cost analysis.

3 (2) The report also shall include recommendations on whether
4 a program described in subdivision (a) should be established and,
5 if so, suggested funding sources. In making its recommendations,
6 the office shall consider the impact of the program on access to
7 dental services in areas of the state that currently have a shortage
8 of dentists.

9 SEC. 16. Section 128205 of the Health and Safety Code is
10 amended to read:

11 128205. As used in this article, and Article 2 (commencing
12 with Section 128250), the following terms mean:

13 (a) “Family physician” means a primary care physician who
14 is prepared to and renders continued comprehensive and
15 preventative health care services to families and who has received
16 specialized training in an approved family practice residency for
17 three years after graduation from an accredited medical school.

18 (b) “Associated” and “affiliated” mean that relationship that
19 exists by virtue of a formal written agreement between a hospital
20 or other health care delivery system and an approved medical
21 school which pertains to the family practice training program for
22 which state contract funds are sought. This definition shall include
23 agreements that may be entered into subsequent to October 2,
24 1973, as well as those relevant agreements that are in existence
25 prior to October 2, 1973.

26 (c) “Commission” means the ~~Health Manpower~~ *California*
27 *Healthcare Workforce Policy* Commission.

28 (d) “Programs that train primary care physician’s assistants”
29 means a program that has been approved for the training of
30 primary care physician assistants pursuant to Section 3513 of the
31 Business and Professions Code.

32 (e) “Programs that train primary care nurse practitioners”
33 means a program that is operated by a California school of
34 medicine or nursing, or that is authorized by the Regents of the
35 University of California or by the Trustees of the California State
36 University, or that is approved by the Board of Registered Nursing.

37 SEC. 17. Section 128207 is added to the Health and Safety
38 Code, to read:

1 128207. Any reference in any code to the Health Manpower
2 Policy Commission is deemed a reference to the California
3 Healthcare Workforce Policy Commission.

4 SEC. 18. Section 128215 of the Health and Safety Code is
5 amended to read:

6 128215. There is hereby created a ~~Health—Manpower~~
7 *California Healthcare Workforce* Policy Commission. The
8 commission shall be composed of 10 members who shall serve at
9 the pleasure of their appointing authorities:

10 (a) Eight members appointed by the Governor, as follows:

11 (1) One representative of the University of California medical
12 schools, from a nominee or nominees submitted by the University
13 of California.

14 (2) One representative of the private medical or osteopathic
15 schools accredited in California from individuals nominated by
16 each of these schools.

17 (3) One representative of practicing family physicians.

18 (4) One representative who is a practicing osteopathic
19 physician or surgeon and who is board certified in either general
20 or family practice.

21 (5) One representative of undergraduate medical students in a
22 family practice program or residence in family practice training.

23 (6) One representative of trainees in a primary care physician's
24 assistant program or a practicing physician's assistant.

25 (7) One representative of trainees in a primary care nurse
26 practitioners program or a practicing nurse practitioner.

27 (8) One representative of the Office of Statewide Health
28 Planning and Development, from nominees submitted by the
29 office director.

30 (b) Two consumer representatives of the public who are not
31 elected or appointed public officials, one appointed by the Speaker
32 of the Assembly and one appointed by the Chairperson of the
33 Senate Rules Committee.

34 (c) The Chief of the Health Professions Development Program
35 in the Office of Statewide Health Planning and Development, or
36 the chief's designee, shall serve as executive secretary for the
37 commission.

38 SEC. 19. Section 128235 of the Health and Safety Code is
39 amended to read:

1 128235. Pursuant to this article and Article 2 (commencing
2 with Section 128250), the Director of the Office of Statewide
3 Health Planning and Development shall do all of the following:

4 (a) Determine whether family practice, primary care physician
5 assistant training programs proposals, and primary care nurse
6 practitioner training program proposals submitted to the ~~Health~~
7 ~~Manpower~~ *California Healthcare Workforce* Policy Commission
8 for participation in the state medical contract program established
9 by this article and Article 2 (commencing with Section 128250)
10 meet the standards established by the commission.

11 (b) Select and contract on behalf of the state with accredited
12 medical schools, programs that train primary care physician
13 assistants, programs that train primary care nurse practitioners,
14 hospitals, and other health care delivery systems for the purpose
15 of training undergraduate medical students and residents in the
16 specialty of family practice. Contracts shall be awarded to those
17 institutions that best demonstrate the ability to provide quality
18 education and training and to retain students and residents in
19 specific areas of California where there is a recognized unmet
20 priority need for primary care family physicians. Contracts shall
21 be based upon the recommendations of the commission and in
22 conformity with the contract criteria and program standards
23 established by the commission.

24 (c) Terminate, upon 30 days' written notice, the contract of any
25 institution whose program does not meet the standards established
26 by the commission or that otherwise does not maintain proper
27 compliance with this part, except as otherwise provided in
28 contracts entered into by the director pursuant to this article and
29 Article 2 (commencing with Section 128250).

30 SEC. 20. Section 128260 of the Health and Safety Code is
31 amended to read:

32 128260. As used in this article, unless the context otherwise
33 requires, the following definitions shall apply:

34 (a) "Commission" means the ~~Health Manpower~~ *California*
35 *Healthcare Workforce* Policy Commission.

36 (b) "Director" means the Director of Statewide Health
37 Planning and Development.

38 (c) "Medically underserved designated shortage area" means
39 any of the following:

(1) An area designated by the commission as a critical health manpower shortage area.

(2) A medically underserved area, as designated by the United States Department of Health and Human Services.

(3) A critical manpower shortage area, as defined by the United States Department of Health and Human Services.

(d) “Primary care physician” means a physician who has the responsibility for providing initial and primary care to patients, for maintaining the continuity of patient care, and for initiating referral for care by other specialists. A primary care physician shall be a board-certified or board-eligible general internist, general pediatrician, general obstetrician-gynecologist, or family physician.

SEC. 21. Section 128330 of the Health and Safety Code is amended to read:

128330. As used in this article:

(a) “Board” means the Board of Trustees of the Health Professions Education Foundation.

(b) “Commission” means the ~~Health Manpower~~ *California Healthcare Workforce* Policy Commission.

(c) “Director” means the Director of the Office of Statewide Health Planning and Development.

(d) “Foundation” means the Health Professions Education Foundation.

(e) “Health professions” or “health professionals” means physicians and surgeons licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, dentists, registered nurses, and other health professionals determined by the office to be needed in medically underserved areas.

(f) “Office” means the Office of Statewide Health Planning and Development.

(g) “Underrepresented groups” means African-Americans, American Indians, Hispanic-Americans, or other persons underrepresented in medicine, dentistry, nursing, or other health professions as determined by the board. After January 1, 1990, the board, upon a finding that the action is necessary to meet the health care needs of medically underserved areas, may add a group comprising the economically disadvantaged to those groups authorized to receive assistance under this article.

1 SEC. 22. Section 128385 of the Health and Safety Code is
2 amended to read:

3 128385. (a) There is hereby created the Registered Nurse
4 Education Program within the Health Professions Education
5 Foundation. Persons participating in this program shall be persons
6 who agree in writing prior to graduation to serve in an eligible
7 county health facility, an eligible state-operated health facility, or
8 a health manpower shortage area, as designated by the director of
9 the office. Persons agreeing to serve in eligible county health
10 facilities, eligible state-operated health facilities, or health
11 manpower shortage areas may apply for scholarship or loan
12 repayment. The Registered Nurse Education Program shall be
13 administered in accordance with Article 1 (commencing with
14 Section 128330), except that all funds in the Registered Nurse
15 Education Fund shall be used only for the purpose of promoting
16 the education of registered nurses and related administrative costs.
17 The Health Professions Education Foundation shall make
18 recommendations to the director of the office concerning both of
19 the following:

20 (1) A standard contractual agreement to be signed by the
21 director and any student who has received an award to work in an
22 eligible county health facility, an eligible state-operated health
23 facility, or in a health manpower shortage area that would require
24 a period of obligated professional service in the areas of California
25 designated by the ~~Health Manpower~~ *California Healthcare*
26 *Workforce* Policy Commission as deficient in primary care
27 services. The obligated professional service shall be in direct
28 patient care. The agreement shall include a clause entitling the
29 state to recover the funds awarded plus the maximum allowable
30 interest for failure to begin or complete the service obligation.

31 (2) Maximum allowable amounts for scholarships, educational
32 loans, and loan repayment programs in order to assure the most
33 effective use of these funds.

34 (b) Applicants may be persons licensed as registered nurses or
35 graduates of associate degree nursing programs prior to entering
36 a program granting a baccalaureate of science degree in nursing.
37 Priority shall be given to applicants who hold associate degrees in
38 nursing.

39 (c) Not more than 5 percent of the funds available under the
40 Registered Nurse Education Program shall be available for a pilot

1 project designed to test whether it is possible to encourage
2 articulation from associate degree nursing programs to
3 baccalaureate of science degree nursing programs. Persons who
4 otherwise meet the standards of subdivision (a) shall be eligible for
5 educational loans when they are enrolled in associate degree
6 nursing programs. If these persons complete a baccalaureate of
7 science degree nursing program in California within five years of
8 obtaining an associate degree in nursing and meet the standards of
9 this article, these loans shall be completely forgiven.

10 (d) As used in this section, “eligible county health facility”
11 means a county health facility that has been determined by the
12 office to have a nursing vacancy rate greater than noncounty health
13 facilities located in the same health facility planning area.

14 (e) As used in this section, “eligible state-operated health
15 facility” means a state-operated health facility that has been
16 determined by the office to have a nursing vacancy rate greater
17 than noncounty health facilities located in the same health facility
18 planning area.

19 SEC. 23. No reimbursement is required by this act pursuant
20 to Section 6 of Article XIII B of the California Constitution
21 because the only costs that may be incurred by a local agency or
22 school district will be incurred because this act creates a new crime
23 or infraction, eliminates a crime or infraction, or changes the
24 penalty for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition of a
26 crime within the meaning of Section 6 of Article XIII B of the
27 California Constitution.

